II. Remarks

A. Status of the Claims

Claims 1-9, 29-32, 41, and 54 have been amended without prejudice. Support for the amendments can be found, e.g., on page 14, lines 11-14; page 49, line 31 to page 52, line 24; page 71, line 5 to page 73, line 20; all of the original specification as filed.

Claim 60 has been previously cancelled without prejudice.

Claims 1-59 and 61 are pending.

Applicants respectfully submit that no new matter has been added by virtue of this amendment.

B. Claim Rejections 35 U.S.C. § 103

Claims 1-59 and 61 were rejected under 35 U.S.C. § 103(a) over WO 99/32120 to Palermo ("the Palermo publication").

Independent claims 1, 2, 3, 4, 5, 7, 8, and 9 have been amended without prejudice to recite in part "... particles of a therapeutically active agent consisting essentially of a sequestered opioid antagonist" (emphasis added).

Independent claims 6 and 41 have been amended without prejudice to recite in part "... particles of a therapeutically active agent consisting essentially of sequestered naltrexone" (emphasis added).

Independent claim 54 has been amended without prejudice to recite in part "... particles of a therapeutically active agent consisting essentially of an orally-

bioavailable opioid antagonist in a substantially non-releasable form" (emphasis added).

The Examiner correctly stated that "Palermo (WO '120) teaches an oral dosage form of an opioid agonist together with an opioid antagonist". However, Applicants note that the Palermo publication describes dosage forms in which an opioid antagonist and an opioid agonist are combined in such a way that "at least a two-step extraction process" would be required to separate the opioid antagonist from the opioid agonist. See, e.g., Abstract; page 6, lines 12-14. Applicants further note that it is stated in the Palermo publication that "[t]his may be accomplished, e.g., via the incorporation of a sustained release carrier into a matrix containing the opioid agonist **and** opioid antagonist; or via a sustained release coating of a matrix containing the opioid agonist **and** opioid antagonist." See, e.g., page 8, lines 2-4 (emphasis added).

Accordingly, Applicants submit that, when considered as a whole, the Palermo publication does not teach or suggest "... particles of a therapeutically active agent consisting essentially of a sequestered opioid antagonist" as recited in amended independent claims 1, 2, 3, 4, 5, 7, 8, and 9, at the very least, because the particles of the Palermo publication will comprise both an opioid agonist and an opioid antagonist.

Applicants further submit that, when considered as a whole, the Palermo publication does not teach or suggest "... particles of a therapeutically active agent consisting essentially of sequestered naltrexone" as recited in amended independent claims 6 and 41, at the very least, because the particles of the Palermo publication will comprise both an opioid agonist and an opioid antagonist (e.g., naltrexone).

Applicants also submit that, when considered as a whole, the Palermo publication does not teach or suggest "... particles of a therapeutically active agent consisting essentially of an orally-bioavailable opioid antagonist in a substantially non-releasable form" as recited in the amended claim 54, at the very least, because the

particles of the Palermo publication will comprise both an opioid agonist and an opioid antagonist.

Applicants respectfully remind the Examiner that MPEP states that "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)." See, e.g., MPEP, Section 2143.01.

Applicants respectfully note that the "consisting essentially of" language in the definition of the particles of sequestered antagonist of the present claims excludes the presence of the opioid agonist in these particles. Applicants further submit that this is opposite of the Palermo's teaching, e.g., to combine an opioid agonist together with an opioid antagonist such that "at least a two-step extraction process" would be required to separate the opioid antagonist from the opioid agonist. Therefore, Applicants submit that the Palermo publication does not provide suggestion for particles of the sequestered antagonist as recited in the present claims. See, e.g., MPEP, Section 2143.01.

Applicants further submit that the Palermo publication does not teach or suggest a dosage form with a sequestered antagonist (e.g., naltrexone) as recited in the present claims. For example, the Palermo publication does not teach or suggest a sequestered antagonist "such that the ratio of the amount of antagonist released from said dosage form after tampering to the amount of said antagonist released from said intact dosage form is about 4:1 or greater" as recited in claims 1, 2, and 3; or "such that the ratio of the amount of antagonist contained in said intact dosage form to the amount of said antagonist released from said intact dosage form after 1 hour is about 4:1 or greater" as recited in claim 4. The Palermo publication also does not teach a sequestered antagonist "such that the amount of antagonist released from said intact dosage form after 1 hour is less than an amount bioequivalent to 0.25 mg naltrexone and the amount of said antagonist released after 1 hour from said dosage form after

tampering is an amount bioequivalent to 0.25 mg naltrexone or more" as recited in claim 5. The Palermo publication further does not teach or suggest a sequestered naltrexone "such that the amount of naltexone released from said intact dosage form after 1 hour is less than 0.25 mg and the amount of said naltrexone released after 1 hour from said dosage form after tampering is 0.25 mg or more" as recited in claim 6. The Palermo publication also does not teach or suggest a sequestered opioid antagonist "such that at 1 hour after oral administration, said dosage form releases not more than 25% of said antagonist" as recited in claim 7.

For the foregoing reasons, Applicants submit that the Palermo publication does not render the present claims obvious, and request withdrawal of the rejection.

III. Conclusion

An early and favorable action on the merits is earnestly solicited. According to currently recommended Patent Office policy the Examiner is requested to contact the undersigned in the event that a telephonic interview will advance the prosecution of this application.

Respectfully submitted,
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